

SB0163/784130/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 163
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after “facilities;” insert “requiring certain indoor recreational facilities to meet or exceed a certain rating under certain circumstances; requiring certain indoor recreational facilities to incorporate, to the maximum extent practicable, certain site design standards; altering the percentage of funds that the State shall provide to a local governing body for the construction of an indoor recreational facility located outside of a priority funding area under certain circumstances; altering the percentage of funds that the State shall provide to a local governing body for the acquisition of land located within a priority funding area under certain circumstances; requiring the Department of Planning, in consultation with the Department of Natural Resources, to conduct a certain evaluation; requiring the Department of Planning to report its evaluation to certain committees of the General Assembly on or before a certain date; providing for the application of this Act;”; and in line 15, after “5-903(b)” insert “and 5-905(c)(3)”.

AMENDMENT NO. 2

On page 3, in line 1, strike “**FUNDS**” and substitute “**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FUNDS**”; and after line 6, insert:

“(3) AN INDOOR RECREATIONAL FACILITY FUNDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(1) IF THE FACILITY IS 7,500 SQUARE FEET OR GREATER, MEET OR EXCEED THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL’S LEED GREEN BUILDING RATING SYSTEM SILVER RATING, HOWEVER, THE FACILITY IS NOT REQUIRED TO BE CERTIFIED THROUGH THE LEED CERTIFICATION PROCESS; AND

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(II) INCORPORATE, TO THE MAXIMUM EXTENT PRACTICABLE, THE NONSTRUCTURAL SITE DESIGN PRACTICES IN THE MARYLAND STORMWATER DESIGN MANUAL, INCORPORATED BY REFERENCE IN COMAR 26.17.02.

5-905.

(c) (3) (i) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF the local governing body is unable to obtain federal funds pursuant to § 5-906 of this subtitle, for each approved local development project the State shall provide:

1. 75 percent of the total project cost; or
2. If the Department has certified pursuant to paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the total project cost.

(ii) [If] EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF federal funds are provided on any acquisition or development project cost, the State shall provide 50 percent of the difference between the total project cost and the federal contribution. Subject to the limitation that total State funds, when added to every other available fund, may not exceed 100 percent of a project's cost, the minimum State contribution to a project shall be 25 percent. If the federal funds are less than 50 percent of the total project cost, the State shall provide an amount equal to the difference between the federal contribution and:

1. 75 percent of the total project cost; or

2. If the Department has certified pursuant to paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the total project cost.

(III) 1. SUBJECT TO THE REQUIREMENT IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, IF A LOCAL GOVERNING BODY USES ITS FUNDS APPROPRIATED UNDER § 5-903(B)(1) OF THIS SUBTITLE TO ACQUIRE LAND WITHIN A PRIORITY FUNDING AREA, AS DEFINED IN § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE STATE SHALL PROVIDE 90 PERCENT OF THE TOTAL PROJECT COST.

2. IF A LOCAL GOVERNING BODY USES ITS FUNDS APPROPRIATED UNDER § 5-903(B)(1) OF THIS SUBTITLE TO CONSTRUCT AN INDOOR RECREATIONAL FACILITY THAT IS NOT ANCILLARY AND NECESSARY FOR OUTDOOR RECREATION, AND WILL BE LOCATED OUTSIDE OF A PRIORITY FUNDING AREA, AS DEFINED IN § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE STATE SHALL PROVIDE 50 PERCENT OF THE TOTAL PROJECT COST.

3. THE STATE SHALL PROVIDE 90 PERCENT OF THE TOTAL PROJECT COST UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IF THE LOCAL GOVERNING BODY AGREES TO LIMIT THE AMOUNT OF IMPERVIOUS SURFACE ON THE LAND ACQUIRED WITHIN A PRIORITY FUNDING AREA, AS DEFINED IN § 5-7B-02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, TO NO MORE THAN 10 PERCENT OF THE LAND.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Planning shall evaluate, in consultation with the Department of Natural Resources and local governments, the degree to which State goals for recreation, parks, open space, and land acquisition are being effectively addressed through the local side

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Program Open Space process. On or before October 1, 2010, the Department of Planning shall report its evaluation, as well as any recommended statutory or administrative changes, to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2-1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply prospectively and may not be applied or interpreted to have any effect on projects initiated prior to the effective date of this Act.”;

and in line 7, strike “2.” and substitute “4.”.